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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,987

02/02/2006

Akio Kobayashi

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02/10/2009

KRATZ, QUINTOS & HANSON, LLP

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EXAMINER

VILLECCO, JOHN M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

02/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,987

Applicant(s)

KOBAYASHI, AKIO

Examiner

JOHN M. VILLECCO

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant has added previously pending claim 2, into claim 1. The Examiner indicated that claim 2 includes allowable subject matter in the previous office action. However, upon further consideration, the Examiner believes that previously cited prior art can be applied against the claims. Please see the new grounds of rejection on the following pages. ***This action is non-final*** due to the new grounds of rejection that was not necessitated by amendment. The Examiner apologizes for the delay in prosecution.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claim 8 is objected to because of the following informalities:
- Claim 8 is dependent upon cancelled claim 2. For examination purposes it will be assumed that the claim should have been dependent upon claim 1.

Appropriate correction is required.

4. Applicant is advised that should claim 7 be found allowable, claim 8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight

difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625 A) in view of Konno (Japanese Publ. No. 06-175208 A).**

7. Regarding *claim 1*, Ito discloses a camera that is capable of capturing a still image during the capture of video image. More specifically and as it relates to the applicant's claims, Ito discloses a first notifying means (flash plate, 8; paragraph 0007) for visually notifying a subject that a photographic operation of a still image is to be performed when a release button (trigger switch, 6) is pushed during the photography of a moving image.

Ito, however fails to specifically disclose that the first notifying means lights up or flashes when the release button is pressed half-way down. Konno, on the other hand, discloses that it is well known in the art to emit a light or blink an exposure of light upon the half-press of a shutter button during the capture of a still image. More specifically, Konno appears to show that upon a half-press of a shutter button the information that promotes the consciousness effect is emitted. Furthermore, upon a full press the still image is captured. See Figure 9 and paragraphs 0006 and 0015. Such an operation warns a user when a still photograph is being

imaged. See paragraph 0004. When used in conjunction with Ito, one of ordinary skill in the art would have found it obvious to emit a light or flash from the device of Ito when a still image is to be captured.

8. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625 A) in view of Konno (Japanese Publ. No. 06-175208 A) and further in view of Hayashi et al. (U.S. Patent No. 6,944,345).**

9. Regarding *claim 4*, as mentioned above in the discussion of claim 1, the combination of Ito and Konno discloses all of the limitations of the parent claim. The aforementioned references however, fail to explicitly disclose that the settings related to the photography operation are displayed in a display portion when the release button is pressed half-way down. Hayashi, on the other hand, discloses that it is well known in the art to display focus settings for the capture of a still image when a release button is pressed halfway down. More specifically, Hayashi discloses in column 7, lines 14-30 that upon the half press of a release button (actuation assembly, 313) a focus area is displayed on the monitor (310) in order to inform the user of the focus position. The focus area is interpreted to be a setting related to the photography operation. Therefore, it would have been obvious to one of ordinary skill in the art to enable a half press of the combined release button of Ito and Konno to effect the display of a focus area setting so that the user is informed of the focus area used in the photographing operation.

10. **Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625 A) in view of Konno (Japanese Publ. No. 06-175208 A) and further in view of Dow et al. (U.S. Publ. No. 2004/0090533).**

11. Regarding *claims 7 and 8*, as mentioned above in the discussion of claim 1, the combination of Ito and Konno discloses all of the limitations of the parent claim. The aforementioned references however, fail to explicitly disclose that a focus readjustment operation is performed when the release button is pressed halfway down or a second notifying means for notifying that focus is corrected after the readjustment operation is completed. Dow discloses that it is well known in the art to perform a focus readjustment operation in a combined still/moving image camera with the half press of a release button. More specifically, Dow discloses a camera (102) with a still image capture trigger (110). When the still image capture trigger is half pressed a focus operation is carried out (paragraph 0020). Such an operation ensures that a highly focused still image is captured at the time of a still image shutter release. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the combined camera of Ito and Konno to perform a focus readjustment operation with the half press of the release button so that a highly focused still image is captured.

Additionally, the combination of Ito and Konno fails to specifically disclose the use of a second notifying means for notifying that the focus operation is complete. Official Notice is taken as to the fact that it is well known in the art to include a notifying means (i.e. LED indication or display icon) for indicating the image is in-focus. Such an indication provides the user with an indication that focus is complete and that the still image capture can be initiated, thereby preventing the capture of an out of focus image. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to include a second notifying means in the combined camera of Ito, Konno, and Dow to indicate that the focus readjustment operation is complete so that the capture of an out of focus image is prevented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. VILLECCO whose telephone number is (571)272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN M. VILLECCO/
Primary Examiner, Art Unit 2622
February 8, 2009